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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,534	08/03/2000	Michael Kahn	MATP-598US	9590

23122 7590 07/01/2005  
RATNERPRESTIA  
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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/630,534

Applicant(s)

KAHN, MICHAEL

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/13/2005 have been fully considered but they are not persuasive.

Applicant argues Gordon et al. do not disclose or suggest:

“(b) placing a plurality of time selection fields on the display, the plurality of time selection field representing respective incremental time indexes having respectively different magnitudes;

(c) selecting one time selection field of the plurality of time selection fields;

(d) activating the selected time selection field to determine the selected incremented time index;

(e) calculating a new time of transmission for display by adding the selected incremental time index to one of the times transmission currently displayed;” (page 2, paragraph 1; page 3, paragraph 4).

In response, the examiner respectfully disagrees. Gordon et al. (hereinafter referred to as Gordon) disclose providing a plurality of objects on a program guide screen. The objects includes a day of week identification object 631; a time of day object 639, a next time slot object 634, a temporal increment/decrement object 632, etc. (col. 18, lines 35-50). The incremental time index of day of week identification object 632 has a magnitude of 1 day, and the incremental time index of time slot 634 has a

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predetermined magnitude (e.g. 1 and ½ hour) (see 28, line 64-col. 28, line 7). If time slot object 634 is highlighted, the next time slot object is incremented by adding a predetermined time index having a predetermined magnitude (e.g. 1 and ½ hours) to the current display time in response to an up arrow or vertical increment key activation (col. 30, lines 35-67; figure 8C). If the day object 631 is highlighted, a day object is incremented by adding a time index having a magnitude of 1 day to the current display time in response to the page up key activations (col. 32, lines 5-35, figure 9B). Thus, the claimed limitations are met by Gordon's disclosure as follow:

"placing a plurality of time selection fields on the display, the plurality of time selection field representing respective incremental time indexes having respectively different magnitudes" is broadly met by providing day object 631, next time slot object 634, etc. on the program guide display, the objects representing respective increment time index having respectively different magnitudes, e.g. 1 day for day object 631 and 1 and ½ hour for next time slot 634);

"selecting one time selection field of the plurality of time selection fields" is met by highlighting one objects of the plurality of objects (e.g. highlighting day object 631);

" activating the selected time selection field to determine the selected incremented time index" is broadly met by activating page up key to determine the selected incremented time index is 1 day;

"calculating a new time of transmission for display by adding the selected incremental time index to one of the times transmission currently displayed" is met by calculating a new time of transmission for display (e.g. step 922) by adding the selected incremental

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time index (adding 1 day) to the time transmission currently displayed (step 921) – figure 9B.

Applicant further argues Gordon et al. do not disclose or suggest multiple time selection fields that may be selected and then activated in order to increment a display time of transmission (page 3, paragraph 4, lines 3-4).

In response, the examiner respectfully disagrees. The examiner interprets the claimed “multiple time selection fields that may be selected and then activated in order to increment a displayed time of transmission” is broadly met by the day objects 631, next time slot object 634 that may be highlighted and then activated in order to increment a displayed time of transmission as discussed above.

Applicant further argues “there would be no motivation to combine Gordon et al. with Stas et al.” (page 4, lines 4-5); “combination Gordon with Stas, would change the principle of operation of Stas that it teach away from the modification” (page 3, paragraph 5, lines 6-7); and “modifying Stas et al. to meet the limitations of the subject invention would change the principle operation.”

In response to applicant's argument that there is no motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Gordon discloses a system that receives, processes, and displays program schedule on a screen, the user can controls data displayed on the screen using an input device (figures 2, 6-16). Gordon further discloses the program schedule on the screen comprises time objects 631, 634, etc. (figures 6, 11B); the program schedule can be divided in pages (time slots), with predetermined time index (e.g. 1 and ½ hour) for each page (col. 28, lines 65-67; figure 11B). Stas also discloses a system that receives, processes, and displays program schedule on a screen, the user can controls data displayed on the screen using an input device (figure 1a-1b, 2b, 4-7). Stas further discloses the program schedule on the screen comprises time objects (e.g. date, week, figures 7-8), and the program schedule can be divided in pages (time slots), with predetermined time index (6 hours) for each page (figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon to divide the program schedule into pages with any time index for each page (for example, 6 hours as taught by Stas) in order to achieve user desires such as reducing the number of pages (compare to page with 1 and ½ time index), thereby allow user to locate the desired page of program schedule quicker, and furthermore, giving user more convenience when navigating program schedule.

As discussed above or in the previous Office Action, the examiner relies on Stas for the teaching of "page with 6 hour time index", and then states that it would have been

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obvious to one of ordinary skill in the art to modify Gordon with the teaching (of page with 6 hour index) as taught by Stas. Since the Gordon's system is modified instead of Stas' system as argued by the applicant, principle of operation of Stas does not change. Therefore, the combination of the reference is proper.

For the reasons given above, rejections on claims 1-17 are analyzed as discussed below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6-8, 12, 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (US 6,754,905).

Regarding claim 1, Gordon teaches in an apparatus for displaying program guide information on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a

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corresponding time of transmission (figure 1), a method for rapidly accessing the program guide information at a desired new time of transmission, comprising the steps of:

- (a) displaying the program guide information (figure 11A);
- (b) placing a plurality of time selection fields (day of week identification object 631, temporal increment/decrement object 632, next time slot 634 –col. 18, lines 40-44, figure 11A) on the display, the plurality of time selection field representing respective incremental time indexes having respectively different magnitudes (next time slot object 634 is incremented by, e.g., 1 ½ hours, day of week identification object 631 is incremented by 1 day – col. 28, line 61-col. 29, line 7);
- (c) selecting one time selection field of the plurality of time selection fields (e.g. selecting object 634 – col. 28, line 61-col. 29, line 7);
- (d) activating the selected time selection field to determine the selected incremented time index (col. 28, line 61-col. 29, line 7);
- (e) calculating a new time of transmission for display by adding the selected incremental time index to one of the times transmission currently displayed (add 1 ½ hours (3 time slot) or 1 day to time transmission currently display if object 634 or day object 631 respectively activated– figures 8C, 9B and col. 30, lines 53-67; col. 32, lines 10-36);
- (f) displaying the program guide information at the new time of transmission (figure 13 if next time slot object is activated once from display of figure 12).



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Regarding claim 6, Gordon additionally teaches the apparatus is implemented in a set top box (col. 6, lines 18-35).

Regarding claim 7, Gordon further teaches the apparatus includes a computer coupled to a network for receiving program guide information from the network (e.g. head end provides interactive program guide display— figures 2, 4; col. 4, lines 14-37; col. 6, line 18-col. 7, line 32; col. 11, lines 39-67).

Regarding claim 8, Gordon teaches an apparatus (subscriber side equipment – figure 2) for displaying program guide information on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission (figure 11A), the apparatus comprising:

a display for displaying the program guide information for a current time interval (figures 2, 11A);

a memory device (276) for storing the program guide information (figure 2, col. 4, lines 55-59; col. 8, lines 46-65);

a processor (i.e. controller 270) for processing software for accessing the program guide information (figure 2 and col. 7, lines 15-32), the software including:

a plurality of time selection fields for selecting respective incremental time indexes responsive to an action input, the respective incremental time index having respectively different magnitudes (day of week identification object 631, temporal

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increment/decrement object 632, next time slot 634 for selecting respectively incremental time indexes, i.e., 1 ½ hours or 1 day , in response to user selecting of the objects—col. 18, lines 40-44, figure 11A, col. 28, line 61-col. 29, line 7); calculator for calculating a new time of transmission for display by adding the selected incremental time index to a time value in the current time interval (add 1 ½ hours (3 time slot) or 1 day to time transmission currently display if object 634 or day object 631 respectively activated— figures 8C, 9B and col. 30, lines 53-67; col. 32, lines 10-36); wherein, the display displays the program guide information of the new time of transmission (see figure 13 if next time slot object is activated once from display of figure 12).

Regarding claim 12, Gordon further teaches the time selection fields determine a magnitude of the selected incremental time index (e.g., 1 days if day of week object 631 is selected – col. 29, lines 1-7) and the apparatus further includes first and second direction inputs for selecting an arithmetic sign of the selected incremental time index (col. 30, lines 35-67, figures 11A).

Regarding claim 16, Gordon further teaches assigning a value of at least one of the incremental time index of the respective time selection fields (1 day of incremental time index for day of the week object 631- col. 29, lines 1-7).

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Regarding claim 17, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 16, and are analyzed as discussed with respect to the rejection of claim 16.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claims 1, 8 above.

Regarding claim 5, Gordon teaches a method as discussed in the rejection of claim 1. However, Gordon does not specifically disclose displaying the program guide information at a latest time of transmission, if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the apparatus. Official Notice is taken that displaying the latest program guide information stored in the apparatus if the calculated new time is later than the latest time of transmission is well known in the art. For example, the user presses the right arrow on the program guide screen for future

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program guide information stored in an apparatus until the end of the page (latest program guide stored in the apparatus). The page will stop moving to the end of the page and the program guide information of the last page display even the user keeps pressing the right arrow. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon with the well known teaching in the art of displaying the latest program guide information (last page) stored in the apparatus in order to provide most accurate data according to the desired selection.

Regarding claim 14, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 5, and are analyzed as discussed with respect to the rejection of claim 5.

Regarding claim 15, Gordon further teaches the apparatus is a set top box (col. 6, lines 18-35).

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claim 8, and further in view of Stas et al. (US 6,025,869).

Regarding claim 9, Gordon teaches a method as discussed in the rejection of claim 1.

Gordon further discloses the plurality of time selection fields includes a page field (next

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time slot object 634) (figure 11A). The next time slot object is incremented by, e.g., 1½ hour when the page field is selected (col. 28, line 65-col. 29, line 3). However, Gordon does not specifically disclose the page with 6-hour time index.

Stas teaches page with 6-hour time index (figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon and Pezzillo to use the teaching as taught by Stas in order to reduce the number of pages (compare to page with 1 ½ time index) thereby allow user to locate the desired page of program guide information quicker.

Regarding claim 10, Gordon in view of Stas teaches an apparatus as discussed in the rejection of claim 9. Gordon further discloses the plurality of time selection fields includes a day field (object 631), and the selected incremental time index is 24-hour (1day) incremental time index when the day field is selected (figure 9B and col. 29, lines 1-7).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claim 1, and further in view of Stas et al. (US 6,025,869) as applied to claim 10, and further in view of Pezzillo et al. (US 6,434,621).

Regarding claim 11, Gordon in view of Stas teaches an apparatus as discussed in the rejection of claim 10. Stas further discloses the time selection fields include a date fields

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(figure 8). However, neither Gordon nor Stas specifically discloses the time index is a seven-day incremental time index.

Pezzillo teaches a date field that adapted to provide a seven-day time index (Sunday column to Saturday column, a seven day incremental time index if the user selects down object on the same column- figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon and Stas with the teaching of Pezzillo in order to quicker access desired program guide information.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claim 1, and further in view of Pezzillo et al. (US 6,434,621) and Stas et al. (US 6,025,869).

Regarding claim 2, Gordon teaches a method as discussed in the rejection of claim 1. Gordon further discloses the plurality of time selection fields includes a page field (next time slot object 634), a day field (631) (figure 11A). The day field is adapted to provide a 24-hour time index (1 day – col. 29, lines 1-7 and figure 9B), the next time slot object is incremented by, e.g., 1 ½ hours (col. 28, line 65-col. 29, line 3). However, Gordon does not specifically disclose a date field that is adapted to provide a seven-day time index; and page with 6-hour time index.

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Pezzillo teaches a date field that adapted to provide a seven-day time index (Sunday column to Saturday column- figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon with the teaching of Pezzillo in order to quicker access desired program guide information.

However, neither Gordon nor Pezzillo specifically discloses the page with 6-hour time index.

Stas teaches page with 6-hour time index (figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon and Pezzillo to use the teaching as taught by Stas in order to reduce the number of pages (compare to page with 1 ½ time index) thereby allow user to locate the desired page of program guide information quicker.

Regarding claim 3, Gordon in view of Pezzillo and Stas teaches a method as disclosed in the rejection of claim 2. Gordon further teaches determining a magnitude of the selected incremental time index (for example, 1 day for day of week object 631 – figure 9B and col. 29, lines 1-7), and activating one of first and second direction inputs to determine an arithmetic sign of the selected incremental time index (figure 11A and col. 30, lines 34-67).

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9. Claims 4, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (US 6,754,905) as applied to claims 1, 8 above, and further in view of Boyer et al. (US 2003/0066085)

Regarding claim 4, Gordon teaches the method as discussed in the rejection of claim 1. However, Gordon does not disclose displaying the program guide information at a current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission.

Boyer discloses the programs in program guide listing 220 may be listed beginning with programs that are currently being broadcast. If desired, the closest time slot to the current time may be displayed (see paragraph 0102). Thus, Boyer teaches displaying the program guide information at a current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon to use the teaching as taught by Boyer in order to provide most accurate data to user and maximize memory space utilization.

Regarding claim 13, the claimed limitations of the apparatus correspond to the claimed limitations of the method in claim 4, and are analyzed as discussed with respect to the rejection of claim 4.



***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

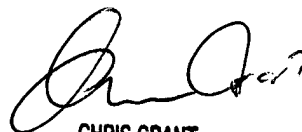
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
June 16,2005



CHRIS GRANT  
PRIMARY EXAMINER